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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,928	12/28/2001	Motoshi Hamasaki	FUJS-19.308	1423

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EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
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2671

DATE MAILED: 05/05/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/034,928

Applicant(s)

HAMASAKI ET AL.

Examiner

Phu K. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over ROBERTS et al. (US 6,418,558).

As per claim 1, Roberts teaches the claimed "communication system" comprising:

"a station-side unit comprising a point-to-multipoint message generating unit and a group designating message generating unit" (Roberts, the head end, figure 96); and

"the subscriber-side unit comprising a point-to-multipoint message processing unit" (Roberts, remote units).

It is noted that Roberts does not explicitly teach "a state control unit" as claimed. However, Roberts' control data which performs as an identification signal for the remote units suggests the claimed "state control unit". Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Roberts' system as claimed by providing the identification control signal to selectively transmit and receive the information in the point-to-multipoint network in a selected range of frequency because such receiving unit selection is widely used in the broadcasting signal.

Applicant's arguments filed February 13, 2003 have been fully considered but they are not deemed to be persuasive. Applicant argues that the cited reference fails to

provide "a means by which more than one but fewer than all subscriber-side units can be enabled to receive a point-to-multipoint message" which is not correct. First, in the claim 1, there is no such language to imply the argued feature of "more than one but few than all." Furthermore, the assignment of transmitting subbands and allocation of channels allow "more than one but few than all" subscriber-side units to receive the broadcast signal from the station side unit (Roberts, column 113, lines 3-18, 33-40; column 114, lines 38-56). Therefore, Roberts' allocated frequency ranges teaches "a valid status" for the reception of signal at the subscriber-side unit. Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

As per claim 2, Roberts teaches the claimed "method for processing a message for use in a communication system" comprising "a station-side unit comprising a point-to-multipoint message generating unit and a group designating message generating unit" (Roberts, the head end, figure 96); and "the subscriber-side unit comprising a point-to-multipoint message processing unit" (Roberts, remote units) wherein:

"the station-side unit designates some of the subscriber-side units as a component constituting a groups of unit which are to receive a point-to-multipoint message" (Roberts, assignment of subbands and allocation of channels, column 113, lines 3-18, 33-40; column 114, lines 38-56).

It is noted that Roberts does not explicitly teach "only the subscriber-side units designated as the component constituting the group of units are allowed to receive and process the broadcast meassage" as claimed. However, Roberts' allocated frequency

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ranges teaches a valid status for the reception of signal at the subscriber-side unit (Roberts, figs.63-67, the allocating of channels and subbands) suggests the claimed "only the subscriber-side units designated as the component constituting the group of units are allowed to receive and process the broadcast message". Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Roberts' system as claimed by assignment of transmitting subbands and allocation of channels allow "more than one but few than all" subscriber-side units to receive the broadcast signal from the station side unit (Roberts, column 113, lines 3-18, 33-40; column 114, lines 38-56) because that is widely used in broadcasting of signals.

Claims 3-4 add into claim 2 "manufactured by an identical vendor" which is just a matter of design and has no significant patentable subject matter.

As per claim 5, Roberts teaches the claimed "a station-side unit comprising a point-to-multipoint message generating unit and a group designating message generating unit" (Roberts, the head end, figure 96); and "the subscriber-side unit comprising a point-to-multipoint message processing unit" (Roberts, remote units) wherein:

"a point-to-multipoint message generating unit" (Roberts, assignment of subbands and allocation of channels, column 113, lines 3-18, 33-40; column 114, lines 38-56).

It is noted that Roberts does not explicitly teach "a group designating message generating unit" as claimed. However, Roberts' allocated frequency ranges (Roberts,

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figs.63-67, the allocating of channels and subbands) suggests the claimed a designating of receiving unit for the reception of signal at the subscriber-side unit. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Roberts' system as claimed by assignment of transmitting subbands and allocation of channels allow "a group of designated subscriber-side units to receive the broadcast signal from the station side unit" (Roberts, column 113, lines 3-18, 33-40; column 114, lines 38-56) because that is widely used in broadcasting of signals.

Claims 6-7 add into claim 5 "a first and second vendor group designating message generating unit" which Roberts teaches in the sharing a particular subband of a number of channels.

Claims 8-10 adds into claim 5 "a group designating canceling unit" which Roberts teaches in the re-assigned and re-allocated subbands and/or channels (Roberts, column 113, lines 3-18, 33-40; column 114, lines 38-56).

Claim 11 adds into claim 5 the arrangement of the group designation message generating unit which Roberts teaches in column 113, lines 3-18, 33-40; column 114, lines 38-56.

Claims 12-13 add into claim 5 "a group identification information assignment message generating unit" which Roberts teaches in the specific assignment of frequency range for transmitting signals (Roberts, figures 63-67).

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Claim 14 adds into claim 5 "a point-to-multipoint message number confirmation requesting unit" which Roberts suggests in the assignment number of channels within some specific subband (Roberts, figures 63-67).

As per claim 15, Roberts teaches the claimed "subscriber-side unit" comprising: "a point-to-multipoint message generating unit" (Roberts, the head end, figure 96); and

"the station-side unit" (Roberts, remote units).

It is noted that Roberts does not explicitly teach "a state control unit" as claimed. However, Roberts' control data which performs as an identification signal for the remote units suggests the claimed "state control unit". Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure Roberts' system as claimed by providing the identification control signal to selectively transmit and receive the information in the point-to-multipoint network in a selected range of frequency because such receiving unit selection is widely used in the broadcasting signal.

Claims 16-17 add into claim 15 "a vendor identification information comparing determining unit" which Roberts teaches in the sharing a particular subband of a number of channels.

Claims 18 and 20 add into claim 15 "a canceling control unit" which Roberts teaches in the re-assigned and re-allocated subbands and/or channels (Roberts, column 113, lines 3-18, 33-40; column 114, lines 38-56).

Claim 19 adds into claim 15 "a reply message returning unit" which is widely used in the data transmitting/receiving communication units.

Claim 21 adds into claim 15 "a group designation requesting unit" which is taught in Roberts' ISU 100 (column 21, lines 13-25) and widely used in the data transmitting/receiving communication units.

Claims 22-23 add into claim 15 the "group identification information holding and comparing determining units" which Roberts teaches in the sharing a particular subband of a number of channels.

Claim 24 adds into claim 15 "a message counting unit and a received message number notifying unit" which Roberts teaches in the specific assignment of frequency range for transmitting signals (Roberts, figures 63-67).

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 - 9796. The examiner can normally be reached on M-F 8:00-4:30.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6606 for regular communications and (703)308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3800.

Phu Nguyen
April 27, 2003


PHU K. NGUYEN
PRINCIPAL EXAMINER
GROUP 2400